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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,640	04/15/2004	Ann Davis	4150.70202	9017

24978 7590 09/14/2004

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EXAMINER

PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,640	DAVIS, ANN	
	Examiner	Art Unit	
	Tejash D Patel	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s), _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6-7, 10, 13, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Grilliot et al. (US 5,729,832). Grilliot et al. (hereinafter Grilliot) discloses an article of clothing (1,2) with elbow protection device including soft padding covering/insert (20b) and knee protection device including soft padding covering/insert (9b) for protecting the knees when crawling, col. 1, lines 39-41. Further, the soft padding includes a sufficient quantity of fabric materials, col. 3, lines 42-49. In addition, the respective elbow and knee padding inserts are removable from receiving elbow (15,16) and knee (4,5) pockets as shown in figure 1. Additionally, a secure tab/flap having hook and loop material secures the insert within the elbow and knee pockets, col. 4, lines 12-15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 11, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot in view of Boersema (US 6,708,342). Grilliot discloses the invention as set forth above except for showing traction device with sufficient coefficient of friction being incorporated into an outer surface of the knee/elbow areas and the soft padding being a sealed soft liquid gel material.

Boersema discloses an article of clothing having traction device (157,161) with sufficient coefficient of friction being incorporated into an outer surface of the knee/elbow areas, col. 4, lines 61-64. Further, elbow/knee pad are made of a sealed soft liquid gel material (158), col. 5, lines 14-16.

It would have been obvious to one skilled in the art at the time the invention was made to provide an outer surface knee/elbow areas of Grilliot with traction device will having sufficient coefficient of friction as taught by Boersema in order to have better grip with an external surface while crawling.

With regard to claims 4 and 14, it would have been obvious to one skilled in the art at the time the invention was made to substitute the soft padding of Grilliot with a sealed soft gel material as taught by Boersema as an alternative but equivalent means of absorbing force of impact as known in the art.

5. Claims 5, 8, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot.

With regard to claims 5 and 15, it would have been obvious to one skilled in the art to attach the soft pads to the clothing of Grilliot permanently in order to prevent the pad from being misplace or depending on the end use thereof.

With regard to claims 8 and 18, it would have been obvious to one skilled in the art to form the protective knee/elbow devices of Grilliot in any desired configuration as a matter of design choice.

6. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot in view of Boersema and Walker et al. (US 6,332,224). Grilliot discloses the invention as set forth above except for showing the clothing having a padded foot cover.

Boersema disclose an articling of clothing having traction devices with foot protective devices (155) as shown in figure 4. Further, the foot device includes traction device (156).

Walker et al. (hereinafter Walker) discloses a padded foot device as shown in figure 2.

It would have been obvious to one skilled in the art at the time the invention was made to have to form the clothing of Grilliot with a foot device as taught by Boersema that is padded at taught by Walker. Doing so, would allow the wearer of the garment to easily absorb force of impact with increase traction while crawling.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (703) 306-9184. The fax phone number for this group is (703) 305-3580.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

September 12, 2004

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a stylized flourish extending from the end.

TEJASH PATEL
PRIMARY EXAMINER